

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:23-CR-00043-KDB-DCK**

UNITED STATES OF AMERICA

v.

IVAN BUXTON GAY JR.,

Defendant.

ORDER

THIS MATTER is before the Court on the Government's Motion for an Order Directing Truist Bank to Liquidate Account and Deposit Funds into Court's Registry (Doc. No. 32). The Defendant did not file a response. The Court has carefully considered this motion and for the reasons briefly discussed below, the Court will **GRANT** the motion.

Defendant pled guilty to one count of theft of government funds in violation of 18 U.S.C. § 641 and one count of making a false statement in support of a passport application in violation of 18 U.S.C. § 1542. Doc. No. 2. He was sentenced to five years of probation and ordered to pay a special assessment of \$200.00 and restitution in the amount of \$142,000.00. Doc. No. 28.

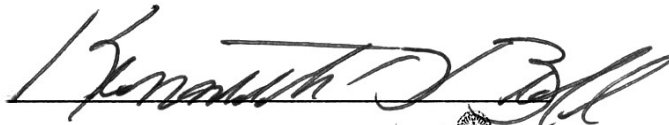
In committing these crimes, Defendant opened a bank account in the name of Alvin Vincent Lee and applied for Social Security Administration retirement benefits and Supplemental Security Income in that name. *See* Doc. No. 20 at 3-4. His application was successful and those benefits were deposited into Truist Bank Account No. -2498. *Id.* The Government now asks the Court to direct Truist Bank to liquidate the account and have the funds deposited into the Court's Restitution Fund because those funds were deposited by the victim, the Social Security Administration, to whom restitution is owed.

The Court finds that it has the authority to do so. Title 18 U.S.C. § 3664 provides that “[a]n order of restitution may be enforced by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title; or ... by all other available and reasonable means.” 18 U.S.C. § 3664(m)(1)(A)(i)-(ii). Liquidating the account and turnover of the funds constitute an available and reasonable means to enforce the Court’s restitution order.

Therefore, the Court will grant the motion and direct Truist Bank to liquidate the above-mentioned account and turn over any and all funds in the account to the United States Clerk of Court for deposit into the Restitution Fund.

SO ORDERED.

Signed: June 4, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

